UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:07-CV-231-F

PAMELA L. HENSLEY, Plaintiff, v. JOHNSTON COUNTY BOARD OF EDUCATION, Defendant.	))))))))))))	ORDER

The parties have filed a Discovery Plan, pursuant to Rule 26, Fed. R. Civ. P., which has been considered by the Court and found to be reasonable. The critical deadlines are:

1. All discovery will be concluded by November 30, 2011.

2. All potentially dispositive motions will be filed by December 30, 2011 .

The Federal Rules of Civil Procedure shall control all other deadlines not agreed upon by the parties.

No party is permitted to amend its pleadings without consent or without leave of court and no party may add a party (or parties) without leave of court. This rule does not abrogate a parties' ability to amend as of right. See Fed. R. Civ. P. 15(a).

The remaining portions of the Discovery Plan not inconsistent with the

preceding deadlines or the Federal Rules of Civil Procedure, ARE ADOPTED as this Court's Order.

This action shall be calendared for trial before Judge James C. Fox sometime after May 14, 2012.

Any defendant who makes an appearance after this scheduling order has been entered shall be required to confer with opposing counsel and make disclosures pursuant to Fed. R. Civ. P. 26(a)(1) within twenty (20) days after the defendant's appearance in the case. In addition, any late-appearing defendant will be bound by the discovery provisions contained in this Order unless the defendant petitions the Court by motion to amend this Order.

Supplementation under Rule 26(e) must be made promptly after receipt of the information by the party or counsel. In addition, motions to join additional parties and to amend pleadings must be made promptly after the information giving rise to the motion becomes known to the party or counsel.

Counsel are cautioned not to be dilatory in pursuing discovery. Motions for extensions of these times are not favored if they would require a continuance of the trial. The Court needs about 90 days between the motion filing deadline and the trial to allow enough time for motions to become ripe, to be reached and ruled upon before trial.

Counsel are reminded that on consent of all of the parties and with the

concurrence of the District Judge this case could be referred to a Magistrate Judge (and a jury, if appropriate) for trial with a peremptory trial setting and with appeal to the Fourth Circuit. A copy of the consent form may be obtained from the Clerk. If all parties wish to exercise this option, it should be done as soon as possible. Consents may not be permitted after the trial calendar is printed.

Finally, the parties have also filed a proposed joint protective order (DE-23). Should the parties desire to have that order formally adopted by the Court, that request should be made by motion.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Wednesday, February 23, 2011.

WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

_____ District of _____

Plaintiff

v.

Defendant

NOTICE, CONSENT, AND ORDER OF REFERENCE – EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

Case Number:

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C.§636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C.§636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____, United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C.§636(c) and Fed.R.Civ.P. 73.

_____ Date

_____ United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.